

REMARKS

This is in response to the Office Action dated December 15, 2005. With this response, claims 3 and 9 are amended and all pending claims 1-12 are presented for reconsideration and favorable action.

In the Office Action, claims 9-12 were rejected under 35 U.S.C. 102(e) based upon Forbes U.S. Patent No. 6,898,362. However, it is believed that the Forbes et al. reference does not show all of the elements of these claims.

Independent claim 9 includes a raised waveguide support. In independent claim 9, the step of placing the raised waveguide support on the substrate is included. Further, claim 9 includes placing a waveguide on the raised waveguide support. Forbes et al. shows no such step of placing. This is because the "waveguide" of Forbes is actually an etched recess element number 660. In contrast, Forbes et al. includes no such raised waveguide support. In contrast, element 660 is actually etched into the surface (see, for example, column 9 line 34). Therefore, the rejection against claim 9 should be withdrawn, along with dependent claim 10.

Independent claim 11 includes depositing a waveguide on the first layer. In contrast, Forbes et al. shows no such step of depositing. The "waveguide" of Forbes is actually an etched recess element number 660. Therefore, the rejection against claim 11, and dependent claim 12 should be withdrawn.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Such action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Judson K. Champlin, Reg. No. 34,797
Suite 1400 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

JKC:rev